

REDACTED

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of the State of California
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8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
11 DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation)
Against:)

14 JOHN R. WELCH, M.D.)
15 505 N. Mollison Avenue)
El Cajon, California 92021)

16 Physician's and Surgeon's)
17 License No. C 022100)

18 Respondent.)
19

No. D-3550

STIPULATION

20 IT IS HEREBY STIPULATED AND AGREED by and between the
21 parties to the above-entitled matter that the following
22 allegations are true.

23 1. Kenneth J. Wagstaff, complainant herein and
24 Executive Director of the Board of Medical Quality Assurance of
25 the State of California, is represented by John K. Van De Kamp,
26 Attorney General of the State of California by Barry D.
27 Ladendorf, Deputy Attorney General.

1 2. John R. Welch, M.D. (hereinafter "respondent") is
2 represented by Sebastian D'Amico, who has been retained as his
3 attorney in regard to the administrative action herein and that
4 the respondent has counseled with Mr. D'Amico concerning the
5 effect of this stipulation, which the respondent herein has
6 carefully read and fully understands.

7 3. Respondent has received and read the accusation
8 which is presently on file and pending as Case No. D-3550 before
9 the Division of Medical Quality of the Board of Medical Quality
10 Assurance, State of California.

11 Respondent understands the nature of the charges
12 alleged in the above-mentioned accusation and that said charges
13 and allegations would constitute cause for imposing discipline
14 upon respondent's medical license heretofore issued by the Board
15 of Medical Quality Assurance.

16 5. Respondent and his counsel are aware of each of
17 respondent's rights, including the right to a hearing of the
18 charges and allegations, the right to confront and cross-examine
19 witnesses who would testify against him, the right to present
20 evidence in his favor and call witnesses on his behalf, or to
21 testify himself, his right to contest the charges and
22 allegations, and any other rights which may be accorded to him
23 pursuant to California Administrative Procedure Act (Gov. Code, §
24 11500, et seq.) his right to reconsideration, review by the
25 superior court and to appeal to any other court; that respondent
26 understands that in signing this stipulation rather than
27 contesting the accusation, he is enabling the Division of Medical

1 Quality of the Board of Medical Quality Assurance to issue the
2 following order from this stipulation without further process.

3 6. Respondent freely and voluntarily waives each and
4 every one of the rights set forth hereinabove; that respondent
5 admits he is guilty of violating the Medical Practice Act by
6 reason of the following conduct:

7 A. Cynthia Brandenburg aka "Olivia G[REDACTED]"

8 On or about June 21, 1986, at respondent's office,
9 respondent furnished Board of Medical Quality Assurance
10 investigator Cynthia Brandenburg (hereinafter Brandenburg), known
11 to respondent as "Olivia G[REDACTED]," a prescription for 50 Talwin,
12 50 mg., and 40 Valium, 10 mg., dangerous drugs within the meaning
13 of Business and Professions Code section 4211. Respondent
14 provided said drugs without a good faith prior examination and
15 medical indication.

16 B. Cynthia Brandenburg aka "Olivia C[REDACTED]"

17 On or about July 3, 1986, Brandenburg, using the name
18 "Olivia C[REDACTED]" visited respondent's office. Brandenburg told
19 the receptionist that she used the name "Olivia G[REDACTED]" before
20 but was using the name "Olivia C[REDACTED]" today. The respondent
21 gave Brandenburg a prescription for 50 Talwin, 50 mg., and 40
22 Valium, 10 mg. Respondent provided said dangerous drugs to
23 Brandenburg without a good faith prior examination and medical
24 indication.

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1 C. Cynthia Brandenburg aka "Olivia C. [REDACTED]" and
2 "Sally S. [REDACTED]"

3 On or about July 4, 1986, Brandenburg visited
4 respondent's office and used the name Olivia C. [REDACTED].
5 Brandenburg requested a prescription for Pyribenzamine that
6 respondent had told her she could have today. Respondent told
7 Brandenburg that she should use another name and address.
8 Brandenburg gave respondent the name "Sally S. [REDACTED]" and made up
9 another address. Respondent then wrote her a prescription for 50
10 Pyribenzamine, 50 mg., in the name of Sally S. [REDACTED]. Respondent
11 asked if she needed anything else and Brandenburg stated that she
12 wanted some Valium. Respondent then wrote a prescription for 40
13 Valium, 10 mg., in the name of Sally S. [REDACTED]. Respondent provided
14 said dangerous drugs without a good faith prior examination or
15 medical indication.

16 D. Sandra V. [REDACTED]

17 Between July 1985, and January 1986, Sandra V. [REDACTED]
18 regularly obtained Codeine and Valium from respondent. She often
19 used her true name V. [REDACTED] and used many other names for
20 prescriptions or drugs she received from respondent. Respondent
21 knew at the time he issued prescriptions to V. [REDACTED] that she was
22 using false names.

23 E. Arthur C. [REDACTED]

24 On May 9, 1986, Arthur C. [REDACTED] made two separate
25 visits to respondent's office. C. [REDACTED] received from respondent
26 on each visit two prescriptions for Valium. C. [REDACTED], with
27 respondent's knowledge, used two different names and addresses

1 for each visit and respondent provided the prescriptions in those
2 names. Respondent provided the prescriptions to C[REDACTED] at the
3 time that his license to practice medicine was under actual
4 suspension. In addition, respondent provided the prescriptions
5 to C[REDACTED] without a good faith prior examination and medical
6 indication.

7 F. Arthur C[REDACTED] aka "Arthur G[REDACTED]"

8 On June 2, 1986, Arthur C[REDACTED] went to respondent's
9 office. Respondent provided C[REDACTED] with a prescription for 40
10 Valium, 10 mg. Respondent also provided C[REDACTED] with a second
11 prescription for 40 Valium, 10 mg., under the name Arthur G[REDACTED].
12 Respondent provided said prescription to C[REDACTED] without a good
13 faith prior examination and medical indication.

14 G. Arthur C[REDACTED] aka "Arthur G[REDACTED]"

15 On June 21, 1986, Cortinas visited the office of
16 respondent. C[REDACTED] used the name Arthur G[REDACTED] even though he
17 was known to respondent as Arthur C[REDACTED]. C[REDACTED] requested
18 Valium and respondent wrote a prescription for 40 Valium, 10 mg.,
19 in the name of Arthur G[REDACTED].

20 H. Arthur C[REDACTED]

21 On July 3, 1986, C[REDACTED] received from respondent at
22 respondent's office a prescription for 40 Valium, 10 mg., and 50
23 Talwin, 50 mg. Respondent provided said prescriptions to
24 C[REDACTED] without a good faith prior examination and medical
25 indication.

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1 I. Arthur C. [REDACTED] aka "Arthur G. [REDACTED]"

2 On July 4, Arthur C. [REDACTED] returned to respondent's
3 office and used the name "Arthur G. [REDACTED]" even though he was known
4 to respondent as Arthur C. [REDACTED]. Respondent provided C. [REDACTED]
5 prescriptions in the name of Arthur G. [REDACTED] for 40 Valium, 10 mg.,
6 and 50 Talwin, 50 mg. Respondent provided the prescriptions
7 without a good faith prior examination and medical indication.

8 Respondent's furnishing and prescribing of controlled
9 substances and/or dangerous drugs as described hereinabove in
10 subparagraphs 6A, 6B, 6C, 6D, 6E, 6F, 6G, and 6I, constitute
11 excessive prescribing of drugs within the meaning of Business and
12 Professions Code section 725; the providing of dangerous drugs
13 without a good faith prior examination and medical indication
14 therefor in violation of Business and Professions Code section
15 2242; prescribing for a controlled substance for other than a
16 legitimate medical purpose in violation of Health and Safety Code
17 section 11153; and prescribing for persons not under his
18 treatment for a pathology or condition in violation of Health and
19 Safety Code section 11154. The violation of Business and
20 Professions Code sections 725, 2242 and Health and Safety Code
21 sections 11153 and 11154 constitute the violation of statutes of
22 the State of California regulating dangerous drugs or controlled
23 substances and as such violate Business and Professions Code
24 section 2238.

25 Respondent's practice of medicine as alleged in
26 subparagraph 6E above, during the period from April 4, 1986, to
27 May 11, 1986, when his license to practice medicine was suspended

1 is a violation of Business and Professions Code section 2306
2 (practice during suspension) and a violation of the terms and
3 conditions of his probation as set forth in paragraph 3 of
4 the Order in the petitioner's decision in Case No. D 3325
5 that became effective on December 23, 1985.^{1/}

6 Respondent created a false medical record for Cynthia
7 Brandenburg aka Olivia G. [REDACTED] by preparing and placing false
8 information in her medical chart on June 21, 1986, to wit:
9 Blood pressure readings which were not taken; created false
10 medical record for Cynthia Brandenburg aka Olivia C. [REDACTED] on
11 July 3, 1986, to wit: created a medical chart in the name of
12 Olivas C. [REDACTED] when, in fact, the patient was known to him
13 as Olivia G. [REDACTED], and dictated into the chart a false
14 diagnosis along with vital signs he had not taken; created a
15 false medical chart for Cynthia Brandenburg aka Sally S. [REDACTED]
16 when, in fact, the patient was known to him as either Olivia
17 C. [REDACTED] or Olivia G. [REDACTED], dictated false information into
18 the medical chart of Sally S. [REDACTED] including the fact that he
19 had prescribed Erthomycin, 250 mg. to be taken four times a
20 day, when in truth and in fact, no such prescription had been
21 provided to her, and created a false medical chart for Arthur
22 G. [REDACTED] who was known to respondent as Arthur C. [REDACTED].

23
24 1. Pursuant to paragraph 3 of the Order, respondent
25 shall cease the practice of medicine if he fails his oral
26 clinical examination. On March 4, 1986, the petitioner
27 received the examination results of respondent's oral
clinical examination. The results showed that he failed the
test. Respondent was immediately advised to cease his
practice within 30 days. The last day he could practice was
April 3, 1986.

1 C. [REDACTED] used the name G. [REDACTED] on his visits to respondent's
2 office as alleged in subparagraphs 6F, G and H above. All of
3 the above acts of dishonesty are violations of Business and
4 Professions Code sections 2234(e) (dishonesty) and 2262
5 (creating a false medical record).

6 Respondent provided false and/or fictitious
7 prescriptions by reason of his prescribing as described in
8 subparagraphs 6A, B, C, D, E, F, G, H, and I, all in
9 violation of Business and Professions Code sections 2234(e)
10 (dishonesty), 2238 (violating Federal and State laws
11 regulating controlled substances and dangerous drugs) and
12 4390 (making a false prescription), and Health and Safety
13 Code section 11157 (issuing a false or fictitious
14 prescription).

15 Respondent's conduct and violations of the Medical
16 Practice Act and the Health and Safety Code as alleged in
17 paragraph 6 above, are likewise violations of the terms and
18 conditions of respondent's probation in Case No. D-3325 and
19 grounds for setting aside the stay and carrying out the order
20 of revocation.

21 7. Complainant hereby dismisses the charges and
22 allegations contained in paragraphs 6(J), 6(K), and 6(L) of
23 the accusation.

24 8. Based on the foregoing stipulations and recitals, it
25 is stipulated and agreed that the Division of Medical Quality
26 may issue the following order as its decision in this case.
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ORDER

IT IS HEREBY ORDERED that License No. C022100
issued to John R. Welch, M.D., is revoked.

I concur in the stipulation and order.

Dated:

June 16, 1987

JOHN K. VAN DE KAMP, Attorney General
of the State of California

[Signature]
Barry D. Ladendorf
Deputy Attorney General

Attorneys for Complainant
Board of Medical Quality Assurance
State of California

I concur in the stipulation and order.

Dated:

June 12, 1987.

Sebastian D'Amico

Sebastian D'Amico
Attorney for Respondent

I have read the above stipulation fully and have
discussed it with my counsel. I understand that by its terms
I will be waiving certain rights accorded me under California
law. I also understand that by its terms the Board of Medical
Quality Assurance will issue a Decision and Order on this

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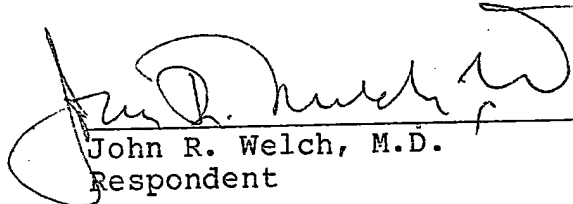
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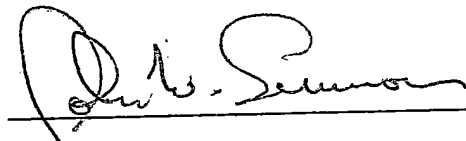
1 stipulation whereby my license to practice medicine will be
2 revoked. I agree to the above stipulation for settlement.

3 Dated: 6/12/87

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6 
7 John R. Welch, M.D.
8 Respondent

9 The foregoing is adopted as the decision of the
10 Division of Medical Quality of the Board of Medical Quality
11 Assurance in this matter and shall be effective on the 28th
12 day of August, 1987.

13 IT IS SO ORDERED this 29th day of July,
14 1987.

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17 DIVISION OF MEDICAL QUALITY
18 BOARD OF MEDICAL QUALITY ASSURANCE
19 STATE OF CALIFORNIA
20 JOHN W. SIMMONS, Secretary-Treasurer
21 Complainant
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26

27 BDL:sg

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2 of the State of California
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4 Deputy Attorney General
5 110 West A Street, Suite 700
6 San Diego, California 92101
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REDACTED

Attorneys for Complainant

8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
11 DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation)
14 Against:) NO. D-3550
15)
16 JOHN R. WELCH, M.D.) ACCUSATION
17 505 N. Mollison Avenue)
18 El Cajon, California 92021)
19)
20 Physician's and Surgeon's)
21 License No. C 022100)
22)
23 Respondent.)

24 Kenneth J. Wagstaff, alleges:

25 1. He is the Executive Officer of the Board of Medical
26 Quality Assurance and makes these charges and allegations in his
27 official capacity.

License Status

28 2. At all times herein mentioned, John R. Welch, M.D.,
29 (respondent) held physician's and surgeon's license No. C 022100
30 issued to him by the Board on August 9, 1960. On March 8, 1985,
31 the San Diego County Superior Court issued a Temporary
32 Restraining Order against respondent's right to practice

1 medicine. The Division of Medical Quality (Division) filed an
2 accusation against respondent on March 13, 1985. Following a
3 hearing, the Division on December 23, 1985, issued its decision
4 in Case No. D-3325. Pursuant to the decision, respondent's
5 certificate was revoked; however, said revocation was stayed and
6 respondent was placed on five years probation on certain terms
7 and conditions as follows:

8 "ORDER

9 "Certificate No. C-22100, issued to respondent
10 John R. Welch, M.D., is revoked pursuant to the
11 Determination of Issues established, separately and
12 for all of them.

13 "However, revocation is stayed and respondent
14 is placed on probation for five years upon the
15 following terms and conditions:

16 "1. Respondent shall not prescribe,
17 administer, dispense, order, or possess any
18 controlled substances as defined by the California
19 Uniform Controlled Substances Act, except for those
20 drugs listed in Schedules IV and V of the Act.

21 "However, respondent is permitted to
22 prescribe, administer, dispense or order controlled
23 drugs listed in Schedules II and III of the Act for
24 in-patients in a hospital setting, and not
25 otherwise.

26 "2. Respondent shall maintain a record of all
27 controlled substances prescribed, dispensed or

1 administered by respondent during probation,
2 showing all the following: 1) the name and
3 address of the patient, 2) the date, 3) the
4 character and quantity of controlled substances
5 involved, and 4) the pathology and purpose for which
6 the controlled substance was furnished.

7 "Respondent shall keep these records in a
8 separate file or ledger, in chronological order,
9 and shall make them available for inspection and
10 copying by the Division or its designee, upon
11 request.

12 "3. Within 60 days of the effective date of
13 this decision, respondent shall take and pass an
14 oral clinical examination in general medicine to be
15 administered by the Division or its designee. If
16 respondent fails this examination, respondent must
17 wait three months between re-examination, except
18 that after three failures respondent must wait one
19 year to take each necessary re-examination
20 thereafter. The Division shall pay the cost of the
21 first examination and respondent shall pay the
22 costs of any subsequent examinations.

23 "If respondent fails to pass this examination,
24 respondent shall cease the practice of medicine
25 until this examination has been successfully passed
26 and respondent has been so notified by the Division
27 in writing.

1 "4. Within 90 days of the effective date of
2 this decision, and on an annual basis thereafter,
3 respondent shall submit to the Division for its
4 prior approval an educational program or course
5 related to medical therapeutics, which shall not be
6 less than 40 hours per year, for each year of
7 probation. This program shall be in addition to
8 the Continuing Medical Education requirements for
9 relicensure. Following the completion of each
10 course, the Division or its designee may administer
11 an examination to test respondent's knowledge of
12 the course. Respondent shall provide proof of
13 attendance for 65 hours of continuing medical
14 education of which 40 hours were in satisfaction of
15 this condition and were approved in advance by the
16 Division.

17 "5. Respondent shall also take and complete a
18 course in medical ethics, which shall be first
19 submitted to the Division or its designee for prior
20 approval.

21 "6. Within 60 days of the effective date of
22 this decision, respondent shall submit to the
23 Division for its prior approval a community service
24 program in which respondent shall provide free
25 medical services on a regular basis to a community
26 or charitable facility or agency for at least 10
27 hours a month for the first 24 months of probation."

1 The remaining terms of the probation are standard
2 conditions.

3 However, on September 4, 1985, the Division again
4 petitioned the San Diego County Superior Court for a Temporary
5 Restraining Order. On that date, the court issued a TRO
6 restraining and prohibiting respondent from practicing medicine
7 until the hearing on the TRO which is scheduled to be heard on
8 October 7, 1986. Generally, the petition filed with the court
9 alleges that respondent has violated the terms and conditions of
10 his probation and provisions of the Medical Practice Act and the
11 Health and Safety Code.

12 Statutes

13 3. A. Business and Professions Code section 2004
14 provides, inter alia, that petitioner has responsibility for the
15 enforcement of disciplinary and criminal provisions of the
16 Medical Practice Act and for reviewing the quality of medical
17 practice carried out by physician and surgeon certificate
18 holders.

19 B. Business and Professions Code section 2234
20 provides, inter alia, that the petitioner shall take disciplinary
21 action against the holder of a physician's and surgeon's
22 certificate who is guilty of unprofessional conduct.

23 C. Business and Professions Code section 2238,
24 provides, inter alia, that a violation of any statute or
25 regulation of the State of California regulating dangerous drugs
26 or controlled substances constitutes unprofessional conduct.
27

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1 D. Business and Professions Code section 2242,
2 subdivision (a), provides that the prescribing of dangerous
3 drugs as defined in section 4211 of the Business and Professions
4 Code, without a good faith prior examination and medical
5 indication therefor, constitutes unprofessional conduct for a
6 physician and surgeon.

7 E. Business and Professions Code section 725,
8 provides that repeated acts of clearly excessive prescribing of
9 drugs as determined by the standard of the community of
10 licensees is unprofessional conduct for a physician and surgeon.

11 F. Business and Professions Code section 2306,
12 provides, inter alia, that if a licensee's right to practice
13 medicine is suspended he or she shall not practice medicine
14 during the term of such suspension.

15 G. Business and Professions Code section 2262,
16 provides, inter alia, that creating a false medical record,
17 with fraudulent intent, constitutes unprofessional conduct.

18 H. Business and Professions Code section 4390,
19 provides, inter alia, that every person who falsely makes,
20 publishes, passes, or attempts to pass, as genuine, any
21 prescription for any drugs is guilty of a forgery.

22 I. Health and Safety Code section 11153 provides,
23 inter alia, that a prescription for a controlled substance shall
24 only be issued for a legitimate medical purpose.

25 J. Health and Safety Code section 11154, a statute
26 regulating controlled substances, provides that except in the
27 regular practice of his or her profession, no person shall

1 knowingly prescribe, administer, dispense, or furnish a
2 controlled substance to or for any person or animal which is not
3 under his or her treatment for a pathology or condition other
4 than addiction to a controlled substance, except as provided in
5 Division 10, sections 11000, et seq., of the Health and Safety
6 Code.

7 K. Health and Safety Code section 11157 provides that
8 no person shall issue a prescription that is false or fictitious
9 in any respect.

10 4. At all times relevant herein the following drugs
11 have been, and currently are, dangerous drugs within the meaning
12 of Business and Professions Code section 4211, and at all times
13 relevant herein classified as controlled substances as follows:

14 A. Chloral Hydrate is classified as a Schedule III
15 controlled substance pursuant to the Federal Uniform
16 Controlled Substances Act (§§ 1308.11 - 1308.15, Title 21
17 Code of Federal Regulations; Title II, P.L. 91-513) and the
18 California Uniform Controlled Substances Act (§§ 11053 -
19 11058 California Health and Safety Code.) 1/

20 B. Talwin is classified as a Schedule IV controlled
21 substance pursuant to the Federal Uniform Controlled
22 Substances Act.

23
24 1. Effective January 1, 1985, Schedules I through V of the
25 California Uniform Controlled Substances Act were revised so as
26 to generally parallel the five schedules contained in the
27 Federal Controlled Substances Act (Ch. 1635, Stats. 1984).
All drugs listed hereinabove in paragraph 8 are now classified
under the California Controlled Substances Act in accordance
with the Federal Controlled Substances Act. Prior to January 1,
1985, California Health and Safety Code section 11150.5 provided

1 C. Valium is classified as a Schedule IV controlled
2 substance pursuant to the Federal Uniform Controlled
3 Substances Act.

4 D. Darvon is classified as a Schedule III controlled
5 substance pursuant to the Federal Uniform Controlled
6 Substances Act and a dangerous drug pursuant to Business and
7 Professions Code section 4211.

8 E. Pyribenzamine is a dangerous drug pursuant to
9 Business and Professions Code section 4211.

10 F. Buprenex is a Schedule V controlled substance
11 pursuant to the Federal Uniform Controlled Substances Act
12 and a dangerous drug pursuant to Business and Professions
13 Code section 4211.

14 G. Dicloxacillin is a dangerous drug pursuant to
15 Business and Professions Code section 4211.

16 H. Ativan is a Schedule IV controlled substance
17 pursuant to the Federal Uniform Controlled Substances Act
18 and a dangerous drug pursuant to Business and Professions
19 Code section 4211.
20 /

21
22 1. (continued) that the provisions of Chapter 4 of Division
23 10 of the Health and Safety Code commencing with section 11053
24 are applicable to controlled substances subject to the Federal
25 Controlled Substances Act (Title II, P.C. 91-513) as provided in
26 section 11007, subdivision (b) of the California Health and
27 Safety Code. Said Section further provided that references to
controlled substances in a particular schedule were deemed
references to the federal schedules. Section 11150.5 was
repealed effective January 1, 1985, as a part of the bill which
revised the California Uniform Controlled Substances Act to
parallel the Federal Uniform Controlled Substances Act. (Ch.
1635, Stats. 1984.)

1 I. Lortisone is a dangerous drug pursuant to Business
2 and Professions Code section 4211.

3 5. At all times relevant herein respondent has
4 maintained a medical office located at 505 North Mollison
5 Avenue, El Cajon, California (hereinafter "respondent's
6 office").

7 Charges and Allegations

8 6. Respondent has violated provisions of the Business
9 and Professions Code (Medical Practice Act) and the Health and
10 Safety Code and is subject to discipline by reason of the
11 following:

12 A. Cynthia Brandenburg aka "Olivia G. [REDACTED]"

13 On or about June 21, 1986, at respondent's office,
14 respondent furnished Board of Medical Quality Assurance
15 investigator Cynthia Brandenburg (hereinafter Brandenburg),
16 known to respondent as "Olivia G. [REDACTED]" a prescription for 50
17 Talwin, 50 mg., and 40 Valium, 10 mg., dangerous drugs within
18 the meaning of Business and Professions Code section 4211.
19 Respondent provided said drugs without a good faith prior
20 examination and medical indication.

21 B. Cynthia Brandenburg aka "Olivia C. [REDACTED]"

22 On or about July 3, 1986, Brandenburg, using the name
23 "Olivia C. [REDACTED]" visited respondent's office. Brandenburg told
24 the receptionist that she used the name "Olivia G. [REDACTED]" before
25 but was using the name "Olivia C. [REDACTED]" today. The respondent
26 gave Brandenburg a prescription for 50 Talwin, 50 mg., and 40
27 Valium, 10 mg. Respondent provided said dangerous drugs to

1 Brandenburg without a good faith prior examination and medical
2 indication.

3 C. Cynthia Brandenburg aka "Olivia C. [REDACTED]" and
4 "Sally S. [REDACTED]"

5 On or about July 4, 1986, Brandenburg visited
6 respondent's office and used the name Olivia C. [REDACTED].
7 Brandenburg requested a prescription for Pyribenzamine that
8 respondent had told her she could have today. Respondent told
9 Brandenburg that she should use another name and address.
10 Brandenburg gave respondent the name "Sally S. [REDACTED]" and made up
11 another address. Respondent then wrote her a prescription for
12 50 Pyribenzamine, 50 mg., in the name of Sally S. [REDACTED].
13 Respondent asked if she needed anything else and Brandenburg
14 stated that she wanted some Valium. Respondent then wrote a
15 prescription for 40 Valium, 10 mg., in the name of Sally S. [REDACTED].
16 Respondent provided said dangerous drugs without a good faith
17 prior examination or medical indication.

18 D. Sandra V. [REDACTED]

19 Between July 1985, and January 1986, Sandra V. [REDACTED]
20 regularly obtained Codeine and Valium from respondent. She
21 often used her true name V. [REDACTED] and used many other names for
22 prescriptions or drugs she received from respondent. Respondent
23 knew at the time he issued prescriptions to V. [REDACTED] that she was
24 using false names.

25 E. Arthur C. [REDACTED]

26 On May 9, 1986, Arthur C. [REDACTED] made two separate
27 visits to respondent's office. C. [REDACTED] received from

1 respondent on each visit two prescriptions for Valium.
2 C██████, with respondent's knowledge, used two different names
3 and addresses for each visit and respondent provided the
4 prescriptions in those names. Respondent provided the
5 prescriptions to C██████ at the time that his license to
6 practice medicine was under actual suspension. In addition,
7 respondent provided the prescriptions to C██████ without a good
8 faith prior examination and medical indication.

9 F. Arthur C██████ aka "Arthur G██████"

10 On June 2, 1986, Arthur C██████ went to respondent's
11 office. Respondent provided C██████ with a prescription for
12 40 Valium, 10 mg. Respondent also provided C██████ with a
13 second prescription for 40 Valium, 10 mg., under the name Arthur
14 G██████. Respondent provided said prescriptions to C██████
15 without a good faith prior examination and medical indication.

16 G. Arthur C██████ aka "Arthur G██████"

17 On June 21, 1986, C██████ visited the office of
18 respondent. C██████ used the name Arthur G██████ even though he
19 was known to respondent as Arthur C██████. C██████ requested
20 Valium and respondent wrote a prescription for 40 Valium, 10
21 mg., in the name of Arthur G██████.

22 H. Arthur C██████

23 On July 3, 1986, C██████ received from respondent at
24 respondent's office a prescription for 40 Valium, 10 mg., and
25 50 Talwin, 50 mg. Respondent provided said prescriptions to
26 C██████ without a good faith prior examination and medical
27 indication.

1 I. Arthur C. [REDACTED] aka "Arthur G. [REDACTED]"

2 On July 4, Arthur C. [REDACTED] returned to respondent's
3 office and used the name "Arthur G. [REDACTED]" even though he was
4 known to respondent as Arthur C. [REDACTED]. Respondent provided
5 C. [REDACTED] prescriptions in the name of Arthur G. [REDACTED] for 40
6 Valium, 10 mg., and 50 Talwin, 50 mg. Respondent provided the
7 prescriptions without a good faith prior examination and medical
8 indication.

9 J. Petitioner is informed and believes and based on
10 such information and belief alleges that on the following dates,
11 respondent wrote the following prescriptions for persons not
12 under his treatment for a pathology or condition.

13 <u>DATE</u>	<u>NAME</u>	<u>PRESCRIPTION</u>
14 3/2/86	Ralph (Jack) B. [REDACTED]	50 Pyribenzamine, 100 mg.
15 3/2/86	Johnny R. B. [REDACTED]	100 Pyribenzamine, 100 mg.
16 3/3/86	Margaret C. [REDACTED]	50 Pyribenzamine, 100 mg.
17 3/2/86	Allan C. [REDACTED]	50 Pyribenzamine, 100 mg.
18 4/2/86	Connie C. [REDACTED]	50 Talwin, Nx 50 mg.
19 3/3/86	Vernon C. [REDACTED]	50 Pyribenzamine, 100 mg.
20 3/3/86	Gordon A. H. [REDACTED]	50 Pyribensamine, 100 mg.

21 K. Petitioner is informed and believes and based on
22 such information and belief alleges that during the period in
23 which respondent was suspended from the actual practice of
24 medicine, (April 4, 1986 - May 11, 1986), he wrote prescriptions
25 as follows:

26 <u>DATE</u>	<u>NAME</u>	<u>PRESCRIPTION</u>
27 4/4/86	Terry O. [REDACTED]	40 Valium, 10 mg.
28 4/4/86	Terry O. [REDACTED]	40 Darvon, 100 mg.
29 4/4/86	Peggy S. [REDACTED]	40 Darvon, 100 mg.
30 4/4/86	Nina W. [REDACTED]	60 Darvon, 60 mg.
31 4/5/86	John W. [REDACTED]	100 Buprenex Amps
32 4/7/86	Bonnie N. [REDACTED]	10 Talwin, 50 mg.
33 4/9/86	Anita M. [REDACTED]	24 Dicloxacillin, 500 mg.

<u>DATE</u>	<u>NAME</u>	<u>PRESCRIPTION</u>
4/10/86	Peggy [REDACTED]	30 Cloral Hydrate, 500 mg.
4/10/86	Peggy [REDACTED]	40 Valium, 10 mg.
4/12/86	Anita M. [REDACTED]	24 Dicloxacillin, 500 mg.
4/14/86	Sharon P. [REDACTED]	50 Pyribenzamine, 50 mg.
4/14/86	Cathy P. [REDACTED]	50 Pyribenzamine, 50 mg.
4/14/86	Kathy B. [REDACTED]	40 Valium, 10 mg.
4/14/86	Kathy B. [REDACTED]	40 Darvon, N 100 mg.
4/15/86	Dorothy F. [REDACTED]	60 Antivan, 1 mg.
4/17/86	Robert M. [REDACTED]	45 Lortisone
5/3/86	Bonnie N. [REDACTED]	30 Talwin, Nx

L. Respondent violated the terms and conditions of paragraph 2 of the Order in Case No. D 3325, in that he failed to maintain a record of controlled substances administered or prescribed by him as follows:

<u>DATE</u>	<u>NAME</u>	<u>PRESCRIPTION</u>
3/7/86	Bonnie N. [REDACTED]	Buprenex
3/20/86	Bonnie N. [REDACTED]	Buprenex
3/24/86	Bonnie N. [REDACTED]	Buprenex
3/25/86	Bonnie N. [REDACTED]	Buprenex
4/1/86	Bonnie N. [REDACTED]	Buprenex
4/7/86	Bonnie N. [REDACTED]	10 Talwin, Nx
4/8/86	Robert W. [REDACTED]	40 Darvon N100 mg.
4/10/86	Peggy S. [REDACTED]	30 Choral Hydrate, 500 mg.
4/10/86	Peggy S. [REDACTED]	40 Valium, 100 mg.
4/14/86	Kathy B. [REDACTED]	40 Valium, 10 mg.
4/14/86	Kathy B. [REDACTED]	40 Darvon, N100 mg.
4/15/86	Dorothy F. [REDACTED]	60 Ativan, 1 mg.
5/3/86	Bonnie N. [REDACTED]	30 Talwin, Nx

7. Respondent's furnishing and prescribing of controlled substances and/or dangerous drugs as described hereinabove in subparagraphs 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J constitute excessive prescribing of drugs within the meaning of Business and Professions Code section 725; the providing of dangerous drugs without a good faith prior examination and medical indication therefor in violation of Business and Professions Code section 2242; prescribing for a

1 controlled substance for other than a legitimate medical purpose
2 in violation of Health and Safety Code section 11153; and
3 prescribing for persons not under his treatment for a pathology
4 or condition in violation of Health and Safety Code section
5 11154. The violation of Business and Professions Code sections
6 725, 2242 and Health and Safety Code sections 11153 and 11154
7 constitute the violation of statutes of the State of California
8 regulating dangerous drugs or controlled substances and as such
9 violate Business and Professions Code section 2238.

10 8. Respondent's practice of medicine as alleged in
11 subparagraphs 6E and 6K above, during the period from April 4,
12 1986, to May 11, 1986, when his license to practice medicine was
13 suspended is a violation of Business and Professions Code
14 section 2306 (practice during suspension) and a violation of the
15 terms and conditions of his probation as set forth in paragraph
16 3 of the Order in the petitioner's decision in Case No. D 3325
17 that became effective on December 23, 1985.^{2/}

18 9. Respondent created a false medical record for
19 Cynthia Brandenburg aka Olivia G. [REDACTED] by preparing and placing
20 false information in her medical chart on June 21, 1986, to
21 wit: Blood pressure readings which were not taken; created
22 false medical record for Cynthia Brandenburg aka Olivia C. [REDACTED]
23 on July 3, 1986, to wit: created a medical chart in the name of
24

25 2. Pursuant to paragraph 3 of the Order, respondent shall
26 cease the practice of medicine if he fails his oral clinical
27 examination. On March 4, 1986, the petitioner received the
examination results of respondent's oral clinical examination.
The results showed that he failed the test. Respondent was
immediately advised to cease his practice within 30 days. The
last day he could practice was April 3, 1986.

1 Olivia C. [REDACTED] when, in fact, the patient was known to him as
2 Olivia G. [REDACTED], dictated into the chart a false diagnosis along
3 with vital signs he had not taken; created a false medical
4 record for Cynthia Brandenburg aka Sally S. [REDACTED] when, in fact,
5 the patient was known to him as either Olivia C. [REDACTED] or
6 Olivia G. [REDACTED], dictated false information into the medical
7 chart of Sally S. [REDACTED], including the fact that he had prescribed
8 Erthomycin, 250 mg. to be taken four times a day, when in
9 truth and in fact, no such prescription had been provided to
10 her; created false medical charts for the persons named in
11 subparagraph 6J above, except Allan C. [REDACTED], in truth and in
12 fact, those persons were never patients of respondent; and
13 created a false medical chart for Arthur G. [REDACTED] who was known to
14 respondent as Arthur C. [REDACTED]. C. [REDACTED] used the name G. [REDACTED] on
15 his visits to respondent's office as alleged in subparagraphs
16 6F, G and H above. All of the above acts of dishonesty are
17 violations of Business and Professions Code sections 2234(e)
18 (dishonesty) and 2262 (creating a false medical record).

19 10. Respondent provided false and/or fictitious
20 prescriptions by reason of his prescribing as described in
21 subparagraphs 6A, B, C, D, E, F, G, H, I, and J; all in
22 violation of Business and Professions code sections 2234(e)
23 (dishonesty), 2238 (violating Federal and State laws regulating
24 controlled substances and dangerous drugs) and 4390 (making a
25 false prescription), and Health and Safety Code section 11157
26 (issuing a false or fictitious prescription).

27 /

1
2 11. Respondent's conduct and violations of the Medical
3 Practice Act and the Health and Safety Code as alleged in —
4 paragraphs 6 through 10 above, are likewise violations of the
5 terms and conditions of respondent's probation in Case No.
6 D-3325 and grounds for setting aside the stay and carry out the
7 order of revocation.


8 WHEREFORE, complainant prays the Division hold a
9 hearing on the above allegations and following said hearing:

10 1. Revoke respondent's certificate to practice
11 medicine;

12 2. Vacate the stay previously issued in Case No.
13 D-3325 and impose the order of revocation; and

14 3. Take such other and further action the Division
15 deems appropriate to protect the public health, safety and
16 welfare.

17 DATED: September 17, 1986

18
19 
20 KENNETH J. WAGSTAFF
Executive Officer

21 Division of Medical Quality
22 Board of Medical Quality Assurance
23 Department of Consumer Affairs

24 Complainant
25
26
27

BDL:sg